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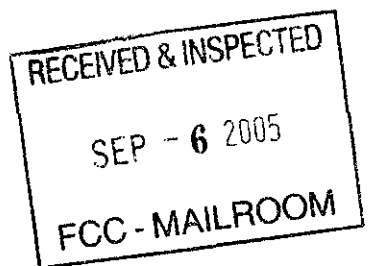
MOTION FOR COMMENT TO BE CONSIDERED TIMELY FILED

PROCEEDING, CG 05-231

IN RE: CLOSED CAPTIONING FOR VIDEO PROGRAMMING

PETITION FOR RULEMAKING

PETITIONER, TELECOMMUNICATIONS FOR THE DEAF, INC.



I went to the internet/FCC site that showed the request for comments. It said that the request was "adopted" on July 14, 2005. The website also said that the request had been "released" on July 21, 2005. The deadline for comments was shown as "45 days after publication in the Federal Register."

For those of us not familiar with administrative proceedings, that deadline date is not clear. Forty-five days from the "adopted" date of July 14, 2005, would be August 27, 2005 (I am assuming that July 14 does not count, but even if it does, this comment is mailed only one day late).

What seems more sensible, to a non-expert, at least, is that the deadline would be computed from the "released" date of July 21, 2005. Forty-five days from that date would be September 1, 2005. This comment is mailed prior to September 1 and can reasonably be expected to be received by you before September 1.

The reason for this motion is that when I tried to file my comments electronically, the site advised me that they could not be so filed. I wasn't sure if this meant that I was too late or that whatever comments there were could not be filed by computer but could be filed in other ways. I then went to the government regulations website (a link to this was provided on the website with the request for comments) for the list of regulations that are "open" for filing (by any method). This proceeding was not listed.

I rechecked the deadline dates given in the request for comments. It seems that I am within the likely acceptable period or, if not, only one day late. If, however, the deadline of being "45 days after publication in the Federal Register" means some date other than the two I have referenced above, it is not at all clear what the deadline is (how do we know when the request for comments was published in the Federal Register?).

In light of this ambiguity in the text of the request for comments, and/or my confusion in interpreting the meaning of the text in the request for comments, I ask that my comments be considered timely filed. Thank you very much for your consideration.

Susie Margaret Ross

A handwritten signature in cursive script that reads "Susie Margaret Ross".

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COVER SHEET, COMMENT

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Susie Margaret Ross
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COMMENT

III-A-1, Non-Technical Quality Standards

Sometimes captions do not say the same thing as the speakers do; words are left out. I can tell this because I lip-read moderately well and can understand what the speakers are actually saying. I would not say that this happens a majority of the time, but it happens often enough that it is noticeable to regular users of closed captions. It seems unfair to me that deaf/hard-of-hearing people should get less information from the program than hearing people do.

I can also tell when captions do not say the same thing as the speakers do when the language makes no sense in the context of the program. For instance, an AOL advertisement has a caption that reads something like, "We've fixed things so that spammers can produce more spam." Obviously, the caption needs to read (I hope!), "We've fixed it so that spammers cannot produce more spam." This seems a relatively unimportant instance, but it could be more serious when the information occurs in a critical context, such as a program on medical care.

III-A-2, Technical Quality Standards

(1) Captions sometimes disappear halfway through a program; this happens especially with reruns and movies.

(2) Many times the listings indicate that the program is a closed-captioned one, yet the actual broadcast shows no captions. A current example of this is the reruns of "Survivor/Australia" on OLN (this is the second year of the "Survivor" series). I am pretty sure that the program was originally captioned, because just previously the OLN had broadcast the reruns of "Survivor/Islands," the **first** year of the series.

(3) Not a majority of the time, but often enough to be noticeable, the captions appear in a garbled form so that they are completely incomprehensible. Occasionally this is cleared up in the next few minutes, but not always.

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COMMENT (page 2)

III-A-2. Technical Quality Standards (continued)

(4) Many times, with two speakers in a scene in a program, the first speaker's line is captioned, then the second speaker's line caption flashes on the screen then off too quickly to catch even one word, then the caption shows the first speaker's line a second time. This is extremely frustrating to those of us who depend on captions in order to watch TV at all.

III-A-3. Monitoring

Some more efficient method of monitoring to catch the problems denoted in the III-A-1 and III-A-2 comments above is necessary, because these problems occur frequently. Whatever monitoring practices are now in effect do not produce consistent or adequate results.

III-A-4. Complaint Procedures

(1) There is no mechanism for real-time complaints, as far as I have been able to find. One night on "Blind Justice" on ABC, no captions appeared even though all previous episodes had been captioned and it was a new show, to which I was pretty certain the captioning rules applied.

I called the local ABC station, they blamed it on the network. I called the network, it took me several calls to even find the right department to complain to, then I got an answering machine, on which I left a message. Then I called the network back and got a person to speak to (not in the right department, I am sure), and the network blamed it on the local broadcaster (which I took to mean the local ABC station, which had already referred me to the network). Only later did it occur to me that perhaps I should have called the cable company (no one suggested that to me) -- I'll try that next time.

I never got a response to either my answering machine message or my e-mail to the network, despite the fact that I had left my phone number in both and my e-mail address and "regular" mailing address in my e-mail. This was the most irritating thing of all.

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COMMENT (page 3)

III-A-4, Complaint Procedures (continued)

(2) In my opinion, there should be some standard place to send real-time complaints -- maybe to the FCC, but better yet, we should be given advice on exactly where to complain, real-time. At present, everyone has to go through the same trial-and-error rigamarole that I did, and I never even thought of complaining to the cable company.

(3) I looked at the standard complaint form that TDI proposed (Appendix A, FCC's request for comments), and I think it is great. I would like to be able to send it or phone it (not everyone has a computer) in real time, with some assurance that someone would learn about it in real time, so that it is likely the mistakes/whatever can be corrected during the program and not three months later when the whole question is moot. If the sound went completely off a program, I am pretty sure that those hearing people who were watching would get much faster results, no matter **where** they called. The loss of captions is an equivalent problem for deaf/hard-of-hearing people.

In addition, during one program in the last year (I can't remember which, unfortunately), the captions shown obviously belonged to a different show (from content, a sports show). This mistake was corrected within about five minutes. If **that** correction was made so quickly, why not others? And how could this even happen if captions are supposed to be embedded in a program? And how did the complaint get made to the correct entity in the first place?

III-A-5, Accessibility of Contact Information

When I wanted to complain about the absence of captioning on a program for which I was sure captioning existed (see III-A-4-[1] comment above), I had to look up all of the phone numbers for the places I called, and **still** I apparently never found the correct one (or anyone who would admit to having responsibility, anyway). It seems to me to be a necessity that if there is to be a complaint procedure, it must have accurate contact information in order to work, and the entity to which the complaint goes must truly be the one that has the responsibility and admits it.

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COMMENT (page 4)

III-A-6, Standard Captioning Complaint Form

This^{is} an excellent idea. Then people who wanted to submit a complaint would be guided to include all of the relevant information – network, program, time, exact problem, etc. As it is, complaints might not have all of the information necessary for anyone to do anything about them. The TDI proposed form (Appendix A, FCC's request for comments, see also III-A-4-[3] comment above) would be fine.

III-A-6, Fines and Penalties

As for fines/penalties for "occasional glitches," these obviously don't work, because the glitches are not being corrected.

Second, the glitches are more than "occasional," which also speaks to the ineffectiveness of whatever fines/penalties are currently being imposed.

Respectfully submitted,



Susie Margaret Ross